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February 4, 2005

FEB - 4 2005

Federal Communications Commission
Office of Secretary

By Hand Delivery

Marlene H. Dortch
Secretary
Federal Communications Commission
c/o 236 Massachusetts Avenue, N.E.
Suite 110
Washington, D.C. 20002

DOCKET FILE COPY ORIGINAL

Re: Amendment of Sections 73.21 and 73.37 of the Commission's
Rules to Provide for Facilities Changes by Stations Operating in
the Expanded AM Band (1605-1705 kHz);
MB Docket No. ; RM-11136

Dear Ms. Dortch:

Transmitted herewith on behalf of Chisholm Trail Broadcasting Co. are an original
and four copies of its Comments filed in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate directly with
the undersigned.

Very truly yours,

DICKSTEIN SHAPIRO MORIN
& OSHINSKY LLP

Attorneys for
Chisholm Trail Broadcasting Co.

By: 
Andrew S. Kersting

Enclosure

cc: Certificate of Service (w/ encl.) (by hand & first-class mail)

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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)
)
 Amendment of Sections 73.21 and 73.37)
 of the Commission's Rules to Provide for)
 Facilities Changes by Stations Operating in)
 the Expanded AM Band (1605-1705 kHz))

MB Docket No. _____
 RM-11136

To: Chief, Audio Division
 Media Bureau

COMMENTS OF CHISHOLM TRAIL BROADCASTING CO.

Chisholm Trail Broadcasting Co. ("Chisholm Trail") is the licensee of radio stations KCRC(AM), 1390 kHz, Enid, Oklahoma, and KFNY(AM), 1640 kHz, Enid, Oklahoma.

Chisholm Trail submits these comments in response to the Commission's *Public Notice*, Report No. 2686 (released January 5, 2005), concerning the above-captioned Petition for Rulemaking ("Petition") filed by InterMart Broadcasting of Georgia, Inc., Rama Communications, and Multicultural Radio Broadcasting, Inc. (collectively, "Petitioners"), on October 22, 2004, as supplemented on December 15, 2004 ("Supplement"). In support of these comments, the following is stated:

I. Introduction.

In their Petition, Petitioners note that there currently are approximately 65 stations authorized to operate in the AM expanded band. Petitioners request that the Commission eliminate the existing 10 kW-day and 1 kW-night power restrictions governing expanded band stations and apply the same rules that govern Class B AM stations. Specifically, Petitioners request that the Commission amend Section 73.21(a)(2) of the Commission's rules to permit

expanded band stations to operate with a maximum power of 50 kW. In addition, Petitioners ask that expanded band stations be permitted to operate with directional antennas beyond the “simple directional antenna system” authorized by Section 73.14 of the Commission’s rules. 47 C.F.R. §73.14. *See* Petition at 1-2, 7.

II. Petitioners’ Proposal Should Be Adopted.

Under the Commission’s existing rules, expanded band stations are greatly restricted in their ability to make changes in their existing facilities. Expanded band stations cannot increase power or change the location of their transmitter without requesting a waiver of the Commission’s rules. As the Commission is well aware, waiver requests – which would be required by any expanded band station that wishes to modify its facilities – impose a burden on the Commission’s staff because they consume valuable Commission resources. Petitioners therefore have proposed that the Commission amend its rules to permit expanded band stations to operate with a maximum power of 50 kW and operate with a directional antenna just as any other Class B AM station.

Permitting expanded band stations to operate with a maximum power of 50 kW and a directional antenna would provide them with much greater flexibility to serve the residents of their community as well as their existing service area. Adoption of these proposals would enable expanded band stations to increase their population coverage and make more efficient use of the radio spectrum, both of which would serve the public interest. There is no reason that AM expanded band stations should be limited to a 10 kW-day and 1 kW-night operation, or use of an omni-directional antenna, so long as they do not cause interference to other stations.

The proposed amendments to the Commission’s rules are also needed to help address the substantial disparity that exists between lower band AM stations and expanded band stations in terms of signal coverage due to the poor ground wave propagation characteristics in the

expanded band. As demonstrated in Petitioners' Supplement, the disparity in the signal coverage between stations in the lower AM band and stations operating in the expanded band often is enormous.¹ If Section 73.21(a)(2) were to be amended in the manner proposed by Petitioners and expanded band stations were permitted to operate with a maximum power of 50 kW, it would help lessen this disparity to some degree and enable expanded band stations to overcome the handicap from which they currently suffer due to the poor ground wave propagation in the expanded band frequencies.

A grant of Petitioners' proposal is also important because it will further the Commission's decades-long effort to reduce interference in the AM band. As noted by Petitioners, the number of AM stations had increased to 4,900 as long ago as 1987. During that year, the Commission commenced a rulemaking proceeding in which it reviewed the overall assignment criteria for the AM broadcast service. As a result of that proceeding, the Commission adopted new technical standards which were designed to relieve some of the congestion in the AM band and help ensure that it would not develop again in the future. Petition at 4-5, citing *Review of the Technical Assignment Criteria for the AM Broadcast Service*, 6 FCC Rcd 6273 (1991).

As part of its continuing effort to reduce interference in the AM band, the Commission later adopted procedures to implement the AM expanded band (1605-1705 kHz). See *Review of the Technical Assignment Criteria for the AM Broadcast Service*, 6 FCC Rcd 6273

¹ As one example, Petitioners demonstrated the following:

At a ground conductivity of 0.5 mS/m, it takes as little as 2.4 kW on 540 kHz to generate a signal equivalent to a 50 kW signal on 1700 kHz. As ground conductivity increases, the disparity becomes even greater, so that with a ground conductivity of 8 mS/m, it requires only 180 W to generate a signal on 540 kHz, which is equivalent to a 50,000 W signal on 1700 kHz.

Supplement at 1-2.

(1991), *recon. granted in part and denied in part*, 8 FCC Rcd 3250 (1993) (subsequent history omitted). Under the allotment plan, the Commission studied stations operating in the lower AM band. Those which were found to cause the most interference (*i.e.*, the worst “polluters”) were offered an alternate allotment in the expanded band on the condition that they give up their “polluting” assignments in the standard band within five (5) years. *See* Petition at 5-6.

A grant of Petitioners’ proposal is crucial to the continued reduction of interference in the AM band because it will encourage expanded band licensees – like Chisholm Trail – to continue operating their expanded band stations and, at the end of the dual operating period, surrender the authorizations for their lower band station. On the other hand, if the Commission does not adopt the proposal set forth in the Petition and requires expanded band stations to continue operating under the existing rules, due to the substantial inequities that currently exist between lower band AM stations and expanded band stations with respect to power level, signal coverage (including the effect of ground wave propagation), the ability to move to a new transmitter site, and/or operate with a directional antenna, many expanded band licensees may elect to surrender their expanded band authorizations at the end of the dual operating period. If this occurs, the Commission’s effort to reduce interference in the AM band through the allotment of expanded band stations will have been effectively negated. This would be an unfortunate result that would be contrary to the public interest, especially because there is no reason that expanded band stations should not be permitted to operate with a substantial power increase and/or a directional antenna, so long as they do not cause interference to any other radio station.

Conclusion

As demonstrated herein, by amending the Commission’s rules in the manner proposed in the Petition, expanded band stations would have much greater flexibility with respect to seeking power increases, operating with directional antennas, and/or seeking to move

to a new transmitter site. Petitioners' proposal also would serve the public interest by enabling expanded band stations to enhance their population coverage and promote more efficient use of spectrum. In addition, by helping to level the playing field between lower band AM stations and expanded band stations with respect to signal coverage, expanded band licensees would be more likely to continue operating their expanded band stations at the end of the five-year dual operating period, rather than maintain their lower band authorization. The transition to the expanded band and the surrender of the lower band AM authorizations is a critical, further step in the Commission's effort to reduce interference in the AM band. For all of these reasons, the Commission should adopt the proposals set forth in the Petition.

Respectfully submitted,

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Attorneys for
CHISHOLM TRAIL BROADCASTING CO.

By: 
Andrew S. Kersting

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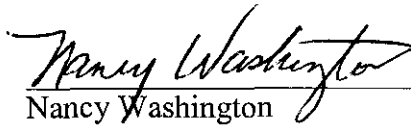
CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of February, 2005, a copy of the foregoing
“Comments of Chisholm Trail Broadcasting Co.” was hand delivered or mailed first-class,
postage prepaid, to the following:

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